

distinctness of the restricted species. This has not been done in this case, and Applicant is thus denied the opportunity to rebut the Requirement. Rather than setting out a case for Restriction, the Office has merely concluded that Restriction is proper. This is insufficient evidence for a sustainable Restriction Requirement, and as such the Requirement should be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No.: 36,379



22850

Telephone: (703) 413-3000
Facsimile (703) 413-2220